

1 JOHN D. PHILLIPS
District Attorney
2 State Bar Membership No. 48474
San Joaquin County
3 By: DAVID J. IREY - No. 142864
Deputy District Attorney
4 Environmental Prosecutions Unit
Stockton, CA 95202

FILED
SUPERIOR COURT-STOCKTON

03 FEB -3 AM 9:01

JEANNE HILLSAPS, CLERK

BY SAN SENG
DEPUTY

6 Phone: (209) 468-2400

7 Attorneys for Plaintiff

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

13 The People of the State of California,

14 Plaintiff,

15 v.

16 HENRY TOSTA, LINDA TOSTA, TOSTA DAIRY,
17 AND DOES 1 THROUGH 20,

18 Defendant(s).

No. CV 017780

STIPULATION FOR FINAL
JUDGMENT
(§ 664.6 C.C.P.)

21 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint
22 herein, JOHN D. PHILLIPS, District Attorney of San Joaquin County, DAVID J. IREY, Deputy
23 District Attorney of San Joaquin County, and defendants , HENRY TOSTA, and LINDA TOSTA
24 owners of TOSTA DAIRY, hereby stipulate and consent to the entry of the Stipulated Final
25 Judgment (attached as Exhibit "A"). By signing this stipulation, defendants admit the allegations of
26 the complaint.

1 JOHN D. PHILLIPS
2 DISTRICT ATTORNEY

3 Dated 11/31/03

4 By: 

5 DAVID J. IREY
6 Deputy District Attorney

7 TOSTA DAIRY

8
9 Dated 11-26-02

10 By: Henry Tosta

11 HENRY TOSTA, Owner

12 TOSTA DAIRY

13 Dated 11-26-02

14 By: Linda M. Tosta

15 LINDA TOSTA, Owner
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EXHIBIT A

1 JOHN D. PHILLIPS
District Attorney
2 State Bar Membership No. 48474
San Joaquin County
3 By: DAVID J. IREY - No. 142864
Deputy District Attorney
4 Environmental Prosecutions Unit
Stockton, CA 95202

FILED
SUPERIOR COURT - STOCKTON
03 FEB 10 AM 11:41
JEANNE HILLSAPS, CLERK
BY: FREDDA REED
DEPUTY

6 Phone: (209) 468-2400

7 Attorneys for Plaintiff

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

12 The People of the State of California,

13 Plaintiff,

14 v.

15 HENRY TOSTA, LINDA TOSTA, TOSTA DAIRY,
16 AND DOES 1 THROUGH 20,

Defendant(s).

No. CV 017780

PERMANENT INJUNCTION
(B&P CODE § 17203)
AND FINAL JUDGMENT
PURSUANT TO
STIPULATION

17 Upon the consent of the parties hereto, and it appearing to the court that there is good cause
18 for the entry of this Stipulated Final Judgment,

19 IT IS ORDERED, ADJUDGED AND DECREED as follows:

20 1. This court has jurisdiction of the subject matter of this action and each of the parties
21 hereto.

22 2. The injunctive provisions of this Final Judgment are applicable to defendant, its
23 subsidiaries and divisions, and any agent, employee, representative and all persons, corporations, or
24 other entities acting by, through, under, or on behalf of defendant and all persons in concert with or
25 participating with said defendant with actual or constructive knowledge of this injunction, only
26 insofar as they are doing business in the State of California and confined to defendant's
27

1 DAIRY FARMING activities in the County of San Joaquin and elsewhere in the State of California.

2 3. Defendant, in the course of defendant's DAIRY FARMING activities, is pursuant to
3 Business and Professions Code § 17204 hereby permanently enjoined from:

4 a) Violation of §§ 5650 and 5650.1 of the California Fish and Game Code.

5 b) Violation of §13387 of the California Water Code.

6 4. Defendant, in the course of defendant's dairy farming activities, is pursuant to Fish
7 and Game Code §5650.1, hereby, permanently enjoined from:

8 b) Violation of §5650 and § 5650.1 of the California Fish and Game Code.

9 5. Defendant shall be penalized FIFTY THOUSAND DOLLARS (\$50,000.00) as and
10 for civil penalties, pursuant to Business and Professions Code §17200 *et seq.* Said payments shall be
11 made payable to the TREASURER OF SAN JOAQUIN COUNTY and delivered to the San Joaquin
12 County Office of the District Attorney, Environmental Prosecutions Unit, as follows:

13 \$8,333.33 on or before July 1, 2003

14 \$8,333.33 on or before July 1, 2004

15 \$8,333.33 on or before July 1, 2005

16 \$8,333.33 on or before July 1, 2006

17 \$8,333.33 on or before July 1, 2007

18 \$8,333.33 on or before July 1, 2008

19 6. Defendant shall be penalized THIRTY THOUSAND DOLLARS (\$30,000.00) to the
20 San Joaquin County Fish and Game Propagation Fund for civil penalties, pursuant to Fish and Game
21 Code §5650.1. Said payments shall be made payable to the SAN JOAQUIN COUNTY FISH AND
22 GAME PROPAGATION FUND and delivered to the San Joaquin County Office of the District
23 Attorney, Environmental Prosecutions Unit, as follows:

24 \$5,000.00 on or before July 1, 2003

25 \$5,000.00 on or before July 1, 2004

26 \$5,000.00 on or before July 1, 2005

27 \$5,000.00 on or before July 1, 2006

1 \$5,000.00 on or before July 1, 2007

2 \$5,000.00 on or before July 1, 2008

3
4 7. Defendant shall be penalized THIRTY THOUSAND DOLLARS (\$30,000.00) to the
5 California Department of Fish and Game Cleanup and Abatement Account for civil penalties,
6 pursuant to Fish and Game Code §5650.1. Said payments shall be made payable to the
7 CALIFORNIA DEPARTMENT OF FISH AND GAME CLEANUP AND ABATEMENT
8 ACCOUNT and delivered to the San Joaquin County Office of the District Attorney, Environmental
9 Prosecutions Unit, as follows:

10 \$5,000.00 on or before July 1, 2003

11 \$5,000.00 on or before July 1, 2004

12 \$5,000.00 on or before July 1, 2005

13 \$5,000.00 on or before July 1, 2006

14 \$5,000.00 on or before July 1, 2007

15 \$5,000.00 on or before July 1, 2008

16 8. Defendant shall pay costs of TWO THOUSAND DOLLARS (\$2,000.00) to the San
17 Joaquin County District Attorney's Office, as partial cost recovery in the matter. Said payments
18 shall be made payable to the SAN JOAQUIN COUNTY DISTRICT ATTORNEY'S OFFICE and
19 delivered to the San Joaquin County Office of the District Attorney, Environmental Prosecutions
20 Unit, on or before February 1, 2003.

21 9. Defendant shall pay costs of TWO HUNDRED THIRTY DOLLARS (\$230.00) to the
22 California Department of Fish and Game - Water Pollution Lab, as partial cost recovery in the
23 matter. Said payments shall be made payable to the CALIFORNIA DEPARTMENT OF FISH AND
24 GAME - WATER POLLUTION LAB and delivered to the San Joaquin County Office of the District
25 Attorney, Environmental Prosecutions Unit, on or before February 1, 2003.

26 10. Defendant shall pay costs of THREE THOUSAND DOLLARS (\$3,000.00) to the
27 California Department of Fish and Game, as partial cost recovery in the matter. Said payments shall

1 be made payable to the CALIFORNIA DEPARTMENT OF FISH AND GAME and delivered to the
2 San Joaquin County Office of the District Attorney, Environmental Prosecutions Unit, on or before
3 February 1, 2003.

4 11. Defendant shall pay costs of ONE THOUSAND FIVE HUNDRED DOLLARS
5 (\$1,500.00) to the Regional Water Quality Control Board. Said payments shall be made payable to
6 the REGIONAL WATER QUALITY CONTROL BOARD and delivered to the San Joaquin County
7 Office of the District Attorney, Environmental Prosecutions Unit, on or before February 1, 2003.

8 12. The parties agree that defendant has agreed to build new wastewater facilities by
9 December 1, 2002, at a minimum cost of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) to
10 improve environmental compliance at its dairy facilities.

11 13. This judgment shall go into effect immediately upon entry hereof. Entry is authorized
12 immediately upon filing.

13 Dated FEB 10 2003

14
15 CARTER P. HOLLY

16 JUDGE OF THE SUPERIOR COURT
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